

THIRTY-NINTH DAY.

SENATE CHAMBER, }
AUSTIN, February 27, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.
Roll called.
Quorum present.
Prayer by the Chaplain, Dr. Smoot.
On motion of Senator Houston of Wheeler.
The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 236, being "An act amendatory of an act relating to the commission of arbitration and award, defining the powers and duties thereof, and to make appropriations to pay the salaries of the judges thereof," approved March 20, 1883, and which was amendatory of an act relating to the same subject, approved July 9, 1881," and find the same correctly engrossed.

BELL, Chairman.

By Senator Getzendanner:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred Senate bill No. 243, entitled "An act to authorize the county commissioners' court to set aside from year to year not exceeding one-half of the road and bridge tax to establish free bridges across streams having an average width of sixty feet," have had the same under consideration, and a majority of your committee instruct me to report the same back to the Senate with the accompanying amendments, with the recommendation that it do pass as amended.

All of which is respectfully submitted.

GETZENDANNER, acting Chairman.

COMMITTEE AMENDMENTS TO SENATE BILL NO. 243.

1. Amend the caption and the bill by inserting after the words "sixty feet" the words "or more."
2. Amend section 1 by inserting the word "tax-paying" after the word "qualified."
3. Amend section 1 by inserting after the word "court" in eighth line, the words "in the event it is necessary to contract a debt for that purpose."

Bill read first time.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 249, entitled "An act to provide for the safe keeping and preservation of the Texas exhibit at the New Orleans World's Fair," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 247, entitled "An act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levees of ports in the State of Texas, beyond the end of the ship's tackle," have had the same under consideration, and instruct me to re-

port it back with the recommendation that it do pass, with the following amendment: Amend section 2 by adding the words "in the county jail" after the word "imprisonment."

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 246, entitled "An act to muster into the service of the State minute men, for the protection of the frontier and for the suppression of lawlessness and crime," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 234, entitled "An act for the relief of J. W. Dickey, of Wilson county," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read a first time.

COMMITTEE ROOM,
AUSTIN, February 26, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 248, entitled "An act to amend articles 2725 and 2726 of the Revised Statutes," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

By leave Senator Pfæuffer introduced memorial of Lanigoe, asking for restitution of losses sustained by fire at the Lunatic Asylum while engaged in saving the lives of its inmates and the property of the institution.

Referred to Committee on Claims and Accounts.
Senator Farrar, for special committee on visiting educational institutions, sent up the following report:

COMMITTEE ROOM,
AUSTIN, February 25, 1885.

Hon. Barnett Gibbs, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

In compliance with a concurrent resolution of both Houses, the joint committee appointed to investigate the condition of the Agricultural and Mechanical College at Bryan, the Prairie View school and the Sam Houston Normal school at Huntsville, have performed the duty assigned them and beg leave to report:

That on the sixteenth of February, 1885, the committee reached Bryan, and organized by electing L. J. Farrar chairman, and W. H. Lockett, secretary.

The committee inspected the various departments of the college and found them in a very satisfactory condition. After the inspection the students were paraded by Lieut. Mallory, the officer in charge of the military department, who is detailed by the United States government from the army, and the committee were favored with a battalion drill by the cadets, which was highly creditable to them and Lieut. Mallory.

The committee were informed that the military feature of the college was not permitted to interfere with the literary or technical pursuits of the students, and was wholly subordinate to them. The students are drilled twice a week. This is found by actual experience to be a healthful exercise, and in many ways beneficial to the students. As a means of enforcing discipline, obedience and promptness, it is found indispen-

sable. The college is situated about six miles from Bryan, and by the maintenance of military discipline the faculty are enabled more effectually to control the student who might be disposed to violate the rules and regulations of the college, and visit places where he would be exposed to the demoralizing influences of dissipation. As a moral agency and as a means of enforcing discipline, the committee commend the military feature of the A. and M. College.

The committee cannot forbear calling attention to the fact that Congress, by an act approved July 2, 1862, endowed this college, and that by the language of said act "the fund appropriated by Congress for this purpose must be used for the support and maintenance of at least one college, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

Under this act of Congress the interest annually paid for the support of the Agricultural and Mechanical College is \$14,280, which is applied to the payment of professors and officers of the college, the law forbidding "the purchase, erection, preservation or repair of any building or buildings out of this fund."

The Legislature of the State has accepted the provisions of the act of Congress of 1882, and cannot in good faith, if there were any disposition to do so, dispense with the military and agricultural features of this institution, and in the opinion of this committee, it would not be advisable to do so. The Agricultural department in the last fiscal year was at an expense of \$667.73, that is to say, the expenditures were in excess of the receipts this amount.

Only eighty-two acres of land were in actual cultivation during the last year, but it is the purpose of General Harde-mah to put in cultivation thirty acres more of land the present year and endeavor, as far as possible, to make this department self-sustaining.

The present capacity of this college will accommodate 150 students, and 133 have matriculated this year. Under the present management it costs each student annually \$150, for board, lights, fuel, washing, rooms, physician's fee and matriculation fee. It is very desirable that this expense should be reduced to such an amount as to put it in the power of persons of limited means to educate their sons at an institution endowed by Congress for the purpose of imparting a military and agricultural training.

It is estimated that if the capacity of the college to accommodate students was doubled the expense to the students might be diminished one-half, or \$75 per annum.

Under existing financial conditions, this committee have no recommendations to make upon this subject, further than to say it would be a wise policy on the part of the State, as soon as it can be done, to so reduce the expenses of the student as to make it to the pecuniary interest and advantage of those wishing to educate their sons, and who are poor, to send them to this college.

If it is the purpose of the State to establish institutions of learning where the student can pursue such courses of study suits him, it would be well to make it possible for the poor, who are now virtually excluded by the amount of expense, to receive a benefit from the State's bounty. It is estimated that it will cost \$25,000 to erect additional buildings sufficient to accommodate 300 students.

We learned from the faculty that three scholarships have been offered by them as a reward for good conduct and proficiency in study. One student in this way has a full scholarship, one a three-fourths scholarship, and one a half scholarship. Every student in the college has an opportunity of securing these scholarships as a reward for merit.

We learned that there is no insurance upon any of the buildings of this college, buildings that have cost the State more than \$159,000, and we further find that no adequate provision is made for extinguishing fire; the college has no fire engine, but it has a few Babcock fire extinguishers which would be utterly useless, except in the early stages of a fire. It is certainly unwise to leave these buildings uninsured, and the committee are of the opinion that an appropriation should be made for their insurance, and that the board of directors should be required to procure insurance on such buildings at least as are most exposed to the casualties of fire. As a part of our report we respectfully refer to the accompanying exhibits marked A and B, furnished by the faculty for the pur-

pose of showing how the appropriation made by the Eighteenth Legislature has been in part expended.

On the seventeenth of February, 1885, the committee reached Prairie View, and inspected the school located at that place, and found it in very satisfactory condition. The capacity of this school will accommodate seventy students. The number of State students at this school is forty-four. The average daily attendance in 1883-4 was fifty-nine. The estimated daily attendance for 1884-5 is fifty. Three professors are employed in this school. The cost of maintaining each student, including all expenses of every kind, is ten dollars per month.

We found that this school had on hand about fifty head of cattle, four mules, two horses, five hogs, one hundred and nineteen sheep, ten cows and calves, one wagon and one cart, and the celebrated bull referred to in the Governor's message, bought in 1884 and sent from the A. and M. College to the Prairie View school for recuperation.

At this place there are four houses and one barn.

The professors in this school seem to take a lively interest in its prosperity, and are fully alive to the importance of educating the colored race. The committee are of the opinion that this school is well conducted, and is fully answering the expectations of its founders.

'SAM HOUSTON NORMAL INSTITUTE.

On the nineteenth of February the committee reached Huntsville and visited the Sam Houston Normal Institute, and spent the day in hearing recitations in the different departments.

There is an average daily attendance at this school of one hundred and seventy-five; there are one hundred and fifty State students in attendance, and fifty students who pay board.

Board is readily obtained in Huntsville for thirteen dollars per month.

During the last term the Institute received from the Peabody fund the sum of \$4000, which, with the appropriation of \$18,000 made by the Eighteenth Legislature, supported the school in a high degree of efficiency.

The faculty do not ask or seek for any appropriation for repairs, thinking the financial condition of the State would forbid it. The committee found one of the recitation rooms without chairs or seats of any kind. Some of the stairways leading from the lower to the upper story are sadly in need of repairs. The committee recommend a small appropriation of \$500 to supply one of the recitation rooms with chairs, and to make repairs.

This school is one of which every Texan should be proud. It is a faithful ally to the common school system and has done as much as any other institution of the State to bring about a general diffusion of knowledge, "which is essential to the preservation of the liberties and rights of the people."

A. E. WATSON,

L. J. FARRAR,

B. M. CAMP,

Chairman Joint Committee.

W. H. LOCKETT,

C. J. GARRISON,

G. CHRISTIAN,

R. H. HARRISON,

J. H. STEWART,

Senate Committee.

House Committee.

As a supplement to the foregoing report the committee beg leave to state that the available fund of the Agricultural and Mechanical College will be on the first of March, 1885:

Six per cent State bonds.....	\$35,000 00
Cash.....	3,745 00
Total.....	\$38,745 00

The item of \$35,000 in bonds is accrued interest from the permanent endowment fund created by the act of Congress of 1862, and can be used only for the payment of the salaries of professors and employees, and perhaps the purchase of libraries, laboratories, etc., but this amount, since an act of the Legislature in 1876, has been treated as a part of the permanent fund.

It is estimated that an appropriation of \$9780 is necessary to supply the annual needs of the college. This is exclusive of the amount necessary to pay six professors, one professor and chairman of faculty, agent of the board, foreman of the shops, and an overseer of farm, which requires \$14,590, which is paid out of the interest on the endowment fund, or a total of \$24,370 for all purposes.

The Eighteenth Legislature appropriated \$10,000 out of the

university fund and \$30,000 out of the general revenue for the "support and maintenance of the A. and M. College."

It will be seen by reference to Exhibit "B," that an amount between \$10,000 and \$20,000 of this appropriation has been used for permanent improvements. Whether "support and maintenance" includes the erection of permanent improvements it is not for this committee to determine,—nor to express any opinion upon the question whether any part of the \$30,000 appropriation from the general revenue could, in view of sections 13 and 14 of article 7 of the Constitution, be applied to the purpose of erecting permanent improvements, but they recommend the passage of a law requiring vouchers to be filed in the Comptroller's office in all cases before any warrant is drawn upon the Treasurer by the Comptroller. It will then devolve upon the Comptroller to determine whether any appropriation made by the Legislature is sought to be used for purposes not designed or authorized by the Legislature, and such a law will be a salutary check upon any board of directors, however honest and conscientious, who might unintentionally seek to apply an appropriation to uses not contemplated by the Legislature.

The committee further suggest that in future reports the board of directors might greatly facilitate an examination of the expenditures of different appropriations, if they would itemize the amounts constituting any particular voucher. While this course would entail labor upon the officer charged with the duty of preparing the report and increase the size of the report, it would certainly be more satisfactory. It affords no information to say that voucher 100 was on account of "farm" in favor of A or B.

The committee would further suggest if there are a larger number of common cows on hand than are absolutely necessary to furnish milk and butter to the students at the college, they should be disposed of, as the expense of keeping and feeding them is by no means inconsiderable.

Respectfully submitted.

L. J. FARRAR, Ch'n Joint Com.,
C. J. GARRISON,
R. H. HARRISON,
Senate Committee.

A. E. WATSON,
B. M. CAMP,
W. H. LOCKETT,
G. CHRISTIAN,
J. H. STEWART,
House Committee.

INVENTORY OF STOCK OF AGRICULTURAL AND MECHANICAL COLLEGE OF TEXAS.

	Cost or appraised value.
I. Mules owned prior to 1883:	
Mollie.....	\$150 00
Sue.....	100 00
Kit (old).....	75 00
Beck (old).....	50 00— \$375 00

Purchased with appropriation of Eighteenth Legislature:—

General.....	\$100 00
Subie.....	160 00
Lady.....	160 00
Sallie.....	150 00
Jenny.....	150 00— \$720 00

II. Cattle:

1 bull (Short Horn, old).....	\$50 00
1 Duck or Creole cow (presented).....	50 00— \$100 00

Purchased with appropriation of Eighteenth Legislature:

26 grade or common cows (\$35).....	\$910 00
14 yearling (part) heifers (\$12).....	168 00
6 yearling (part) steers (\$11).....	66 00
3 yearling heifers (\$10).....	30 00
3 yearling bulls (\$9).....	27 00
1 common cow (\$16).....	16 00
14 calves (\$5).....	70 00— \$1287 00

III. Fine cattle, all bought with appropriation of Eighteenth Legislature—

- 1: Dutch Fresian cattle recorded:
- One bull "Roab."
- One heifer, "Jessico."
- One heifer, "Yentje."
- One heifer, "Metje."

2. Galloway cattle recorded:

- One bull, "Admiral Good."
- One heifer, "Almul."
- One heifer, "Admiration."

Cost (actual) delivered at college.....	\$1,766
Appraised value \$30 each.....	\$2,100 00
One Jersey bull, thoroughbred.....	125

IV. Hogs, common and grade, on hand prior to 1883—

2 sows.....	\$12 00
12 shoats.....	36 00
15 shoats.....	45 00
5 shoats.....	60 00
7 pigs.....	3 50— 156

Hogs, thoroughbred, purchased with appropriation of Eighteenth Legislature—

1 Essex boar.....	\$25 00
1 Essex sow.....	25 00
5 Essex shoats, \$10.....	50 00
1 Berkshire boar.....	20 00
2 Berkshire sows.....	30 00— 150

SUMMARY.

Total stock on hand—	
9 mules.....	\$1,095
69 head common and grade cattle.....	1,387
8 head fine cattle (thoroughbred).....	2,225
42 head common and grade hogs.....	156
10 head thoroughbred hogs.....	150

Total value of stock.....	\$5,013
---------------------------	---------

Purchased with appropriations of Eighteenth Legislature:

5 mules, value or cost.....	\$ 720
67 head common and grade cattle.....	1287
10 head thoroughbred hogs.....	150
9 head thoroughbred cattle.....	2225

Value of stock purchased with appropriations of Eighteenth Legislature..... \$4382

Respectfully,

LOUIS L. MCINNIS,
Secretary and Treasurer

SUMMARY OF PROPERTY PURCHASED AND REPAIRED WITH APPROPRIATION OF EIGHTEENTH LEGISLATURE, NOW ON HAND AT THE A. AND M. COLLEGE.

Stock, as per exhibit.....	4,382
Farm implements, etc., estimated.....	1,000
Permanent improvements, agricultural department.....	6,740

Agricultural department.....	\$12,122
Shop and equipments for mechanical department.....	8,346
Chemical and physical apparatus, etc.....	2,266
Mathematics, engineering instruments.....	656
Repairs and improvements, buildings, etc.....	9,487

	\$32,868
--	----------

Contingencies, board of laborers, etc.....	2,374
--	-------

	\$35,243
--	----------

Balance of appropriation was expended in labor, sundry repairs, etc., as shown by vouchers. The above shows next increase of value of property.

See report, pages 22, 50 to 53.

BILLS AND RESOLUTIONS.

By Senator Hall:

"An act to amend article 542 of the Revised Civil Statutes."

Referred to Committee on State Affairs.

Senator Houston of Wheeler introduced the following resolution:

Be it resolved by the Legislature of the State of Texas That the chaplains of the Senate and House of Representa-

tives be respectfully invited to officiate at the ceremony of laying the corner stone of the new Capitol on the second of March, 1885"

Adopted.

The House concurrent resolution, requesting a survey and report on the navigable condition of West Galveston and San Louis bays by the United States government, was,

On motion of Senator Jerdone,

Taken up and adopted.

By leave, Senator Randolph sent up the following report:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 253, entitled "An act to amend article 542 of the Revised Civil Statutes," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

Bill read first time.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage of House bill No. 543, "An act to prescribe the time of holding the district courts in the twenty-first judicial district."

Respectfully,

A. D. SADLER, Chief Clerk.

The President referred House bill No. 543, to Committee on Judicial Districts.

On motion of Senator Shannon,

The Assistant Sergeant-at-Arms, Mr. Stewart, was excused till Friday.

The President gave notice of signing the following bills:

House bill No. 250, "An act to amend section 34 of act entitled 'an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys at the next general election, to be held on the first Tuesday after the first Monday of November, 1884,' approved April 9, 1883."

House bill No. 278, "An act to create the Nolan judicial district."

Substitute House bill No. 237, "An act to alter the corporate limits of the city of Waco."

House bill No. 137, "An act to repeal sections 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 28, 30, 31, 83, 198, 199 and 200, and to amend sections 2, 4, 5, 6, 29, 33, 43, 45, 70, 74, 78, 103, 120, 197, 201, and 203, of an act entitled 'an act to incorporate the city of San Antonio, and grant a new charter to said city,' approved August 13, 1870; and to repeal the act to incorporate the city of San Antonio, approved July 17, 1856; and an act to amend 'an act to incorporate the city of San Antonio,' approved February 11, 1860; also an act to amend an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved April 9, 1883."

The following message was received from the

HOUSE OF REPRESENTATIVES,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to inform the Senate that the House has concurred in Senate amendments to the following bills:

Substitute House bill No. 27, "An act to authorize the transfer of occupation licenses."

House bill No. 136, "An act to amend chapter 79 of the acts of 1883," etc.

House bill No. 232, "An act to authorize county commissioners' courts to assume control of the streets and alleys of any city or incorporated town," etc.

A. D. SADLER, Chief Clerk.

The hour having arrived,

The Senate went into the committee of the whole on the consideration of Senate bill No. 142, "An act to amend sections 2, 9, 12, 22, 23, 29, 30, 33, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 51, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 68, 73, 75, 77, 78, 79, 79d, 83, 84, 85 and 87 of an act entitled 'an act to establish and maintain a system of public free schools for the State of Texas,' and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,' the same being chapter 25 general laws of the special session of the Eighteenth Legislature, 1844; and to add thereto as new sections, sections 12a, 12b, 12c, 12d, 12e, and sections 58a, 58b and 58c, and repealing all laws and parts of laws in conflict with the provisions of this act and the original act of which it is amendatory."

(Senator Evans in the chair.)

IN THE SENATE.

(The President in the chair.)

Senator Evans, chairman of the committee of the whole, reported the bill back to the Senate unfavorably.

Senator Terrell moved to adopt the report.

Lost by the following vote:

YEAS—12.

Calhoun,
Camp,
Fowler,
Glasscock,

Houston of Bexar, Pope,
Houston of Wheeler, Randolph,
Jerdone, Terrell,
Peacock, Woods.

NAYS—13.

Bell,
Evans,
Farrar,
Garrison,
Getzendaner,

Hall,
Harrison,
Jones,
Kleberg,
Knittel,
Pfeuffer,
Shannon,
Stinson.

ABSENT, NOT VOTING.

Kilgore.

The following report was sent up by Senator Fowler, by leave:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 543, entitled "An act to prescribe the time of holding the district courts in the twenty-first judicial district," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Bill read first time.

On motion of Senator Fowler,

The bill—House bill No. 543—was taken up out of its regular order, and

The bill was placed on its second reading under a suspension of the constitutional rule by the following vote:

YEAS—26.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.
Glasscock,	Knittel,	

NAYS—none.

The bill was read third time and ordered engrossed.

On motion of Senator Fowler,

The constitutional rule was suspended, and

The bill was placed on its third reading by the following vote:

YEAS—23.

Bell,	Glasscock,	Peacock,
Calhoun,	Hall,	Pfeuffer,
Camp,	Harrison,	Randolph,
Evans,	Jerdone,	Shannon,
Farrar,	Jones,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Kleberg,	Woods.
Getzendaner,	Knittel,	

NAYS—none.

ABSENT, NOT VOTING.

Houston of Bexar, Houston of Wheeler, Pope.

The bill was read a third time and passed by the following vote:

YEAS—26.

Bell,	Hall,	Peacock,
Calhoun,	Harrison,	Pfeuffer,
Camp,	Houston of Bexar,	Pope,
Evans,	Houston of Wheeler,	Randolph,
Farrar,	Jerdone,	Shannon,
Fowler,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.
Glasscock,	Knittel,	

NAYS—none.

By leave, Senator Shannon sent up the following report:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 221, to be entitled "An act to amend article 4257 of the Revised Statutes of the State of Texas," have carefully considered the same and the committee are of opinion that the bill should not become a law, and a majority thereof instruct me to report it back to the Senate with the recommendation that it be indefinitely postponed.

Respectfully submitted,

SHANNON, Chairman.

Bill read first time.

Senator Jones sent up the following minority report:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

A minority of your Committee on Internal Improvements,

to whom was referred Senate bill No. 221, entitled "An act to amend article 4257 of the Revised Civil Code of the State of Texas," etc., being unable to agree with the majority of said committee in an adverse report of said bill, beg leave to submit the following minority report as their reasons why said bill should pass, to-wit:

1. Because, under the present law, the railroad companies of Texas are forced to discriminate unjustly against points in Texas and in favor of points without the State.

2. Because freight charges are so high between points within the State as compared with charges for hauls without the State, as to practically destroy the business and commerce of Texas cities and towns.

3. The merchants of Texas cannot compete with foreign buyers for one of our chief productions, to-wit, cotton, because the rate charged for carrying the same between given points within the State is more than twice as high as the proportionate charge for the same articles for a like distance within the State when the shipment is made to points without the State, thus giving the foreign buyer a great advantage over the home merchant.

4. Because the proposed bill, if it becomes a law, will place home merchants upon an equal footing as to rates of transportation with buyers of our products for shipment to points outside the State, and will thus enable the merchant and the farmer in Texas to mutually aid and benefit each other in a commercial and business way.

5. The proposed bill will enable the Texas merchant to compete with outsiders for the products of our farms, for the reason that it will give to the home merchant an equal freight rate with that which is given to the non-resident.

6. If a railroad company can carry an article a certain distance for a specified sum, as a pro rate share of a haul en route through a place in Texas to points without the State, it is but simple justice that Texas merchants should have the benefit of a similar rate over the same roads for the same article and for the same distance.

All of which is respectfully submitted.

J. W. JONES,
HOUSTON of Bexar.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body that the House has adopted

Senate concurrent resolution No. 6, inviting chaplains of the Senate and House of Representatives of the Texas Legislature to officiate at the laying of the corner stone of the new Capitol, on Monday, March 2, 1885.

A. D. SADLER,
Chief Clerk House of Representatives.

On motion of Senator Evans,

House bill No. 335, "An act to create and provide for the organization of the county of Midland," was taken up out of its regular order and read the second time.

(Senator Shannon, President pro tem., in the chair.)

Senator Calhoun offered the following amendment:

Amend by adding to section 5, "except indebtedness incurred in building a court house and jail for Tom Green county: and said county of Midland, after its organization, shall in no wise be held liable for any debt incurred or to be incurred in erecting a court house and jail for said Tom Green county."

Lost.

Senator Stinson moved the previous question on the engrossment of the bill.

Previous question seconded, and

Main question ordered.

Senator Pope moved to reconsider the vote by which the main question was ordered.

Adopted by the following vote:

YEAS—17.

Bell,	Harrison,	Knittel,
Camp,	Houston of Bexar,	Peacock,
Evans,	Houston of Wheeler,	Pope,
Fowler,	Jerdone,	Randolph,
Garrison,	Jones,	Terrell,
Hall,	Kilgore,	

NAYS—7.

Calhoun,	Kleberg,	Stinson,
Farrar,	Shannon,	Woods,
Getzendaner,		

ABSENT, NOT VOTING.

Glasscock,	Pfeuffer.
------------	-----------

By leave, the following bill was introduced by Senator Pope:

"An act requiring the Attorney-General to institute legal proceedings against corporations within this State in violation of section 5, article 10 of the Constitution."

Referred to Committee on Internal Improvements. Senator Fowler sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 137, being "An act to repeal sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 27, 28, 30, 31, 83, 198, 199 and 200, and to amend sections 2, 4, 5, 6, 29, 33, 43, 45, 70, 74, 78, 103, 120, 197, 201, 202 and 203 of an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved August 13, 1878, and to repeal 'an act to incorporate the city of San Antonio,' approved July 17, 1856, and 'an act to amend the act to incorporate the city of San Antonio,' approved February 11, 1860; also an act to amend an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved April 18, 1879," and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

On motion of Senator Calhoun,
The Senate adjourned till ten o'clock to-morrow morning.

FORTIETH DAY.

SENATE CHAMBER, }
AUSTIN, February 28, 1885. }

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Randolph,

The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Houston of Wheeler:

Petition of citizens of Wilbarger county against the leasing of the school lands.

Referred to Committee on Public Lands.

REPORTS OF STANDING COMMITTEES.

By Senator Stinson:

COMMITTEE ROOM,
AUSTIN, February 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate bill No. 222, entitled "An act for the relief of Anna B. Smith, assignee and heir of Rufus R. Smith," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

STINSON, Chairman.

Bill read first time.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 28, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 238, being "An act to create the Webb county land district," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Getzendaner:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 207, entitled "An act to provide and make an appropriation for the payment of fees in felony cases, due by the State of Texas to John E. McMullen, district clerk, and A. W. Murray, late sheriff of Wilson county, Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do not pass.

Under the law now in force, the fees of sheriffs and clerks become due upon a final judgment of the court, which does not appear to have been had in these cases; and, at all events, the records could be substituted, and applicants' fees obtained by this means.

All of which is respectfully submitted.

GETZENDANER, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 241, entitled "An act making appropriations for certain deficiencies," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

GETZENDANER, Chairman.

Bill was read first time.

Senator Terrell made the following report for the special free conference committee:

COMMITTEE ROOM,
AUSTIN, February 27, 1885.

Hon. Barnett Gibbs, President of the Senate, and Hon. L. L. Foster, Speaker of the House of Representatives:

Your free conference committee to whom was referred the differences between the two houses on substitute House bills Nos. 13, 61, 64, 104 and 161, have had the same under consideration and respectfully recommend the adoption of the following as a substitute for the first section of the bill, to-wit:

Section 1. Be it enacted by the Legislature of the State of Texas, That section 71 of the above entitled act shall be so amended as to read as follows:

Sec. 71. The following counties shall be and the same are exempted from the district system provided for in this act, to-wit: Anderson, Angelina, Aransas, Bastrop, Bosque, Bowie, Brazoria, Burleson, Calhoun, Caldwell, Cameron, Camp, Cass, Chambers, Concho, Delta, De Witt, Duval, El Paso, Erath, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Gillespie, Goliad, Gonzales, Gregg, Grimes, Guadalupe, Hardin, Harrison, Hays, Henderson, Hidalgo, Hopkins, Houston, Jackson, Jasper, Jefferson, Karnes, Lamar, La Salle, Lee, Liberty, Limestone, Marion, Mason, Matagorda, McMullen,